



**Town of Provincetown  
Planning Board  
260 Commercial Street  
Provincetown, MA 02657  
(508) 487-7072**

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May 13, 2015

Gregory Watson, Manager  
Comprehensive Permit Programs  
MassHousing  
One Beacon Street  
Boston, MA 02108-3110

RE: Comprehensive Permit Site Approval/Project Eligibility Comments  
350 Bradford St, Provincetown, MA

Dear Mr. Watson,

Please accept these comments on behalf of the Provincetown Planning Board regarding the Comprehensive Permit Site Approval/Project Eligibility application of BPJC, LLC for the development of 24 residential dwelling units, including six affordable units, located at 350 Bradford Street. Under MGL Chapter 40B Sections 20-23, the Planning Board is considered a local board and hereby submits the following comments pursuant to 760 CMR 56.04 (3):

The Provincetown Planning Board supports efforts for affordable and community housing in town and concludes that the proposed project site located at 350 Bradford Street is appropriate and existing infrastructure is adequate for the development of housing. The proposed project is located in the Residential 3 (ResB) Zoning District, which is designed "to provide for high density residential development in the downtown and other appropriate areas." The site is served by town water, and town sewer is potentially available to the site. Although it is not certain that the applicant will be able to hook up to the sewer because the sewage treatment plant is near capacity, there is an existing septic system from a prior restaurant use that is designed to accommodate more than the proposed number of bedrooms. The use of a septic system will likely necessitate the redesign of the site, whether the existing system is upgraded or a new system is installed. Road systems that access the site are adequate, and in fact, the number of trips generated for the residential use is lower than the number of trips for the restaurant use, per the ITE manual. The site is located near public transit. Consideration should be given to providing bicycle and pedestrian accommodations both within the site and within the public right-of-way.

A project of this type and scale, if not submitted under Chapter 40B, would be reviewed pursuant to Section 4015, Site Plan Review by Special Permit, of the Provincetown Zoning Bylaw. The need for a Special Permit as well as Site Plan Review is triggered by the creation of four or more dwelling units, as well as the disturbance of greater than 750 cubic yards of earth. The Planning

Board is the permit granting authority for Site Plan Review by Special Permit and has thus reviewed the 350 Bradford Street proposal from this perspective, considering Section 4000, Site Plan Review, and Section 5300, Special Permits, of the Provincetown Zoning By-Laws.

The Site Plan Review process regulates the use of land and structures to minimize adverse impacts by ensuring the following:

- The safety and convenience of pedestrian and vehicular movement;
- The consideration of the protection of the use and enjoyment of the property of abutters;
- The protection of scenic features and historic character of the community, natural features and environmental resources;
- The protection of the public health and safety within and adjacent to flood hazard areas;
- That the plan is in accordance with the Provincetown Zoning Bylaw and is consistent with the goals of the Local Comprehensive Plan.

Special Permits shall be granted only upon the written determination that the social, economic or other benefits of the proposal for the neighborhood or town outweigh any adverse effects such as hazard, congestion or environmental degradation.

The Planning Board held a public forum on April 23, 2015, to solicit feedback and comments from neighbors of the proposed development and other interested parties. There were three people who spoke to the Board. The Board also received 14 letters, all of which are attached to these comments for your review. The Planning Board took into consideration public comments, letters to the Board, staff input and feedback from Town Counsel, Kopelman & Paige PC.

The Planning Board would like to submit the following comments and concerns, as the Board believes that the proposed project is likely to have significant visual impacts on the community and potential environmental impacts on the site.

### ***1. Excavation***

While the Board recognizes the intention to set the building back from the street, perhaps so it does not appear as massive to pedestrians, we do not view the current placement of the structure and required excavation of the hill, which is identified as a coastal dune, as feasible. While the current application and plans do not detail the cubic yards of earth estimated to be excavated and disturbed, it is clear that it will alter the topography significantly. Additionally, the removal of existing vegetation extends far beyond the footprint of the proposed foundation.

If this extent of excavation and land alteration were to come before the Board as part of Site Plan Review, it would likely be denied, as it would compromise the integrity and stability of the slope. Potential erosion and storm water run-off from the removal of vegetation and a cut of this magnitude is problematic.

Any proposed building and its foundation should be designed and constructed to follow the topography and natural features of the site. Any changes to the topography, including minor changes that will result in the loss of existing vegetation, should be carefully considered.

Pulling the proposed structure forward on the lot away from the slope and/or the breaking down of the mass of the structure by creating multiple smaller structures, could help to mitigate these issues.

## **2. *Density***

According to Sections 4120, Density Schedule, and 2550, Multiple Buildings per Lot, of the Provincetown Zoning Bylaw, this property could have a maximum of 7 structures containing up to a maximum of 12 units. The proposed project contains twice as many dwelling units as could be allowed on the site.

The property abuts the Residential 1 Zoning District to the east and is one lot away from the Res 1 Zoning District to the north. In the Res 1 Zoning District, only one dwelling unit in one principal structure per lot is allowed, and the nearby neighborhoods are, correspondingly, significantly less dense than the proposal. The 24-unit design drew many abutter concerns.

## **3. *Scale***

Immediate abutting properties (including those across the street) consist of 14 single-family homes and four duplexes. In comparison, the scale of this building is significantly larger. Nearby structures feature smaller footprints, staggered placement on lots, and open space to break up the complexes.

The Board understands that it is more economical to build a single larger structure than multiple smaller structures, however, there are examples throughout Provincetown that are successful in incorporating multiple smaller massings in more historically appropriate and sized building forms.

The Board would prefer to see multiple smaller structures rather than one large structure on the site, but, at minimum, it is recommended that the applicant reduce the massing of the single structure into smaller visual units. The creation of multiple smaller structures might also decrease the building coverage which is currently proposed for 52.5%, where our regulations require a maximum coverage of 40%, by eliminating the need for outdoor covered circulation space between units.

## **4. *Height***

The current proposed building is 33.5 ft where 23 ft is allowed in the Res 3 Zoning District for a flat-roofed building. The additional 10.5 ft above what is allowed is compounded by the fact that the building is approximately 45 ft high from average grade along the street frontage. Under Article 1, Definitions, of the Zoning Bylaw, building height is calculated from average natural grade of the four furthest corners of the structure to the roof. In this case, the slope of the hillside mitigates the calculation, but not the visual impact from the street. The proposed height of the structure from the street drew many concerns from abutters and other interested parties.

The Planning Board also appreciated the concern expressed by abutters regarding property valuation and enjoyment, as many are located above this site. If the height is allowed, the Board asks that the applicant take measures to prevent the placement of mechanicals on the roof, or at minimum provide effective and attractive screening, and install a green roof, which would decrease the solar reflectivity of the roof as well as add to the green space on site. The Board wishes to take note of and protect neighbor site lines from above, while also decreasing potential noise from rooftop mechanicals.

## **5. *Illumination.***

Given the height of this building, the Board asks that the applicant consider our local bylaws, which seek to prevent direct glare and light spillage onto neighboring properties and require downlighting and full cut-off fixtures.

**6. *Community Character/Design***

The Planning Board believes that the single, large three-story building is not appropriate to the area and does not fit into the character of the town in general. Additionally, structures in Provincetown are generally located close to the street. The setback proposed is also not in keeping with community character.

The Planning Board recommends that the structure be de-massed into a number of smaller units (as mentioned above), with a pedestrian-scaled presence close to the street. The design of the structures should be compatible with the historic character of building in Town, though the use of traditional building materials, breaks in the roof and wall lines, and reduced scale.

Because of the scope of the project, its characteristics and location, the Planning Board requests that the applicant submit a full Development Impact Statement, pursuant to Section 5331, Development Impact Statements, of the Zoning Bylaw, to help the Town better determine the potential impacts of the proposal.

The Planning Board would like to see this project improve the neighborhood and community overall. Through the site design process, the applicant should consider bicycle and pedestrian accommodations both within the site and within the public right-of-way, through the installation of bike racks, public seating areas, and sidewalks.

The Planning Board supports efforts for affordable and community housing, and supports this site for the development of housing. However, the Board does not support this particular project as it is currently proposed because of concerns about excavation into the slope, the scale, height and massing of the structure, and concerns that the character and design of the structure and the materials proposed are not in keeping with the character of the surrounding neighborhood or the Town in general.

Respectfully submitted,

Planning Board Members:

John Golden, Vice Chair

Brandon Quesnell

Ryan Campbell

Grace Ryder-O'Malley

Jim Woods

Staff:

Gloria McPherson, Town Planner

Cc: Freeman Law Group LLC  
BPJC LLC c/o Wiseliving  
Board of Selectmen  
Acting Town Manager  
Acting Assistant Town Manager

## Gloria McPherson

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**From:** Jill Kearney <jillkearney5@gmail.com>  
**Sent:** Wednesday, April 01, 2015 3:40 PM  
**To:** Gloria McPherson  
**Subject:** Proposed development on Hot L site on East End

Dear Ms. McPherson,

I am writing to express my opposition to the proposed development on the site of the Hot L restaurant, and to ask you to please present this letter at the meeting tomorrow. I grew up on the East End of Ptown, and spent every summer from 1958 to the present there. We are a very tight-knit community, and surprisingly little has changed over the last nearly sixty years. The same families come year after year, and we look after each other's houses when neighbors are away, and we attend each others weddings and funerals. The unique character of the East End has allowed the most wonderful web of meaningful multigenerational relationships to flourish and endure. My children are now friends with the third generation of families who were friends with my parents when they were young. The East End has resisted the kind of rampant real estate speculation, turnover and gentrification that has happened in other areas of Provincetown.

When I opened the email and saw the image of the proposed development, my heart sank. It is as if an ocean liner landed at the little mooring for a dinghy. It is out of scale, out of character, and it will forever alter the experience of driving into Provincetown. It looks like a faceless nondescript development anywhere on earth.. it has been designed without the slightest sensitivity to the architectural heritage of the town. It will place too much stress on scant resources, and it will destabilize the neighborhood. We would expect and likely understand if a property of that size were carved into three or four units. I hope the community can come together to stop this ill advised project and look instead to how the land could be used to create a public park or other amenity that would preserve the unique look and feel of this wonderful town. Thank you,  
Jill Kearney McDonnell

## Gloria McPherson

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**From:** Clifford Pattullo <cjpattullo@comcast.net>  
**Sent:** Wednesday, April 01, 2015 8:43 PM  
**To:** Gloria McPherson  
**Subject:** 350 Bradford Street

Dear Ms. McPherson

I am writing to you to express my opposition to the proposed condominium complex at 350 Bradford Street, the home of the old Michael Shays. The rendering clearly illustrates that the structure does not fit in with the character of the neighborhood or provincetown as a whole. As an abutter (690 Commercial St. 8A) I ask that the board not entertain or approve this plan in its current form.

Thank you for the opportunity to contact you regarding this matter.

*Clifford J. Pattullo*  
[cjpattullo@comcast.net](mailto:cjpattullo@comcast.net)

4/4/2015

Attn: Michelle Jarusiewicz  
Zoning Board  
Historic Board  
Conservation Board  
Planning Board  
Board of Selectman

RECEIVED

APR 08 2015

Re: 350 Bradford Street

We are extremely concerned and horrified about the proposed development and its enormity both in height as well as numbers of units.

Currently our neighborhood is quintessential Cape Cod; cute cottages, historic homes and small scale condo developments.

This monstrosity would look out of place, and unappealing to the neighborhood.

It would increase the traffic substantially at this very busy fork off GA and the probability of accidents would be of great concern.

This new project would change the character of our community. We would

no longer have the peace and quiet  
that we appreciate and love about  
our neighborhood. Now we go to  
sleep listening to the fog horns and  
wake to the birds chirping. Noise  
has never been an issue before.

Having proposed underground parking at this site  
is unfathomable. The parking lot floods every  
spring.

We hope you take all these concerns into  
consideration. Please understand that we are  
outraged about this proposed development and  
will unite with all our neighbors to ensure  
this project gets scaled down significantly.

Thank you for your time and consideration  
of this very upsetting matter.

Deborah Duamire / Deborah Duamire  
Carol Corb / Carol & Carol  
14 Bradford Acres Rd.  
Unit C  
Princeton, Ma.

## Gloria McPherson

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**From:** Michelle Jarusiewicz  
**Sent:** Wednesday, April 08, 2015 4:47 PM  
**To:** Gloria McPherson; Austin Brandt; Cheryl Andrews; Erik Yingling; Raphael Richter; Robert Anthony; Tom Donegan  
**Cc:** David Gardner  
**Subject:** FW: 350 Bradford Street, Provincetown

Please forward

Michelle Jarusiewicz

**Acting Assistant Town Manager  
Community Housing Specialist &  
Grant Administrator  
508/487-7087**

*Town Meeting April 7 & 8, 2015*

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**From:** Elise Kaufman [mailto:[elise@sghenchy.com](mailto:elise@sghenchy.com)]  
**Sent:** Wednesday, April 08, 2015 4:46 PM  
**To:** Michelle Jarusiewicz  
**Subject:** 350 Bradford Street, Provincetown

Dear Ms. Jarusiewicz,  
Please forward this letter to the Selectmen and any other town Boards considering this application. Thank you very much.  
Sincerely,  
Elise Kaufman Henchy

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Via Electronic Mail

April 8, 2015

Re: 350 Bradford Street , aka former "Michael Shays"

To Whom It May Concern (Provincetown Board of Selectmen, ZBA, etc.)

I am writing to you to add our names to the many neighbors and abutters who have already written, in opposition to the proposed development of the former "Michael Shays" restaurant (350 Bradford Street). My husband, Seamus Henchy, and I have owned our property at 620 Commercial Street, for over 20 years. Like many who's relationship with Provincetown extends over a long period of time, we have noted how real estate development throughout Provincetown has resulted in the erosion of some of its finest qualities. Its natural coastal beauty, the quaintness of its streets, the tolerance of its inhabitants, coupled with beautifully scaled, vernacular architecture, continues to bring visitors from all over the world to town, year after year. Indeed it was those very qualities that drew many of us here in the first place, to raise families year-round or to be seasonal residents - many families over generations.

While no one would suggest that property owners ought not to have the right to alter and/or develop their property (within the boundaries of the law), it's important to acknowledge that on occasion, poorly conceived and planned real estate development transactions in Ptown have been detrimental to the historic fabric and vernacular architecture (which have been defining characteristics and assets of the town). This has

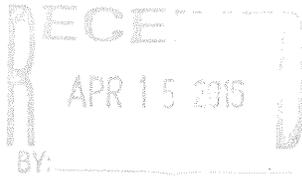
happened despite the excellent work and oversight of various Town boards (Historic Commission, etc.). We, on the East End, have been relatively fortunate; the neighborhood's authenticity has remained largely intact. The owners of properties in our portion of the East end, have generally recognized the imperative of maintaining/upgrading their properties in a manner which preserves authenticity, respects the fabric of the locale and therefore the area continues to remain a peaceful and quiet residential area. A development of the scope and nature proposed for 350 Bradford would quickly, surely and absolutely compromise this. The increase in population and requisite expansion of infrastructure that an enterprise of this scale/size would require is so out of scale with the neighborhood, that it would certainly obliterate and destroy the precious atmosphere of this neighborhood, that all residents and visitors to Ptown currently enjoy.

The quality of "Peacefulness" as asset may be overlooked or ignored because it is difficult to measure and quantify. It is nevertheless a vital component of "preservation". As such, it is incumbent upon the Town to protect it, as it would any other resource. Please recognize that certain aspects of Provincetown (those which are immeasurable) remain its most valuable assets. Protecting them will ensure that Provincetown remains a destination and a loved place, for many, from all over the world. I urge the Town to take an active stand as a steward of preservation. Please re-consider and deny 350 Bradford's application.

Sincerely, Elise Kaufman (620 Commercial Street)

[www.elisekaufman.net](http://www.elisekaufman.net)

(917) 370-8643



April 9, 2015

Town of Provincetown  
Planning Board Member Mark Weinress  
260 Commercial Street  
Provincetown, MA 02657

Dear Board Member Weinress:

I own 3 Thistlemore Rd, Unit A, which directly abuts 350 Bradford St and am writing to voice my strong objections to the proposed development at this location by developer BPJC LLC.

It is unfortunate and completely disingenuous that the developer is using 40B to slam this through. Initially, I was very excited when the Hot L property went up for sale; I saw it as an opportunity to redo a derelict and unkempt property. I still hold out hope that Provincetown officials will demand the developer scale back and address the serious concerns everyone is raising about the proposal. The current proposal creates public safety and health issues, destroys the neighborhood and negatively impacts our property values.

Many, many people are opposed to this development in its current form. The only people who are not opposed are those who stand to enjoy a financial benefit from the development, no matter how incongruous it is with the neighborhood or how illogical the proposal is. As an officer of the Town of Provincetown, by the very nature of your position you will leave behind a legacy of decisions on many matters. This is a big decision; one that impacts one's immediate impression of the town and severely impacts many homes in the East End neighborhood. I strongly encourage you to demand the developer scale back the proposal for the reasons cited below.

### **Fire Concerns**

I believe the fire department insisted on a large turn around area to access the 3 houses Brad Locke is building behind the Hot L. Why has there been no consideration to being able to access the back of the building at 350 Bradford St? Given the way the building is situated and designed, people will not be able to be helped or saved if there is an emergency.

### **Water Displacement**

Currently when it rains, there is a puddle at least 6 inches deep and 30 feet wide that forms to the left of the property (when facing the property). Where does that water go once that building is built and the water runs off the roof or when the water table is disrupted by the underground parking? Into the yards and basements of Thistlemore Rd properties! What is the water displacement strategy and how is it enforced when the developer leaves? Since this is built in a flood plain, the water will mix with the installed septic system and create public health and safety issues, not to mention the resulting contamination of our yards as the sewage water seeps into it.

### **Excavating the Sand Dune Behind the HOT L Building**

The proposal is to tear out 35 feet of the sand dune behind the building. I think we all know that this will destabilize the buildings on top of the hill, both Jim Turner's property and the buildings

Brad Locke Development is building. Their structures will be compromised. I find it ironic that less than a ¼ mile away sits the National Seashore where dunes and trees are protected and nurtured, yet the developer wants to totally destroy this sand dune. Cutting 35 feet into the sand dune is excessive, reckless and will destabilize the properties behind it.

### **Trash**

The current proposal calls for trash bins to be along the fences of the properties along Thistlemore. This provides a haven for mice, rats and disease not to mention the stench and noise from garbage trucks. This destroys any pleasant outdoor backyards that we have created. This is really has to be rethought.

### **Building Size**

The proposed building is completely out of scale and character with the East End. The proposal is for a building 45 feet high and comes within feet of each abutter's property. The East End is a neighborhood and this will destroy the feel and fabric of the neighborhood. This is one of the main entrances into Provincetown and it will look like Best Buy or Target has arrived. This proposal, if allowed to move forward with no signature reduction in scope WILL negatively impact our property values. The scale and design of the building will have a devastating impact on the neighborhood. I find it incredibly sad that the developer is using 40B as a means to justify this development. I believe we all know this is NOT about affordable housing. I encourage you to visit the site and look at the Turner property behind the Hot L. The top of the proposed building will come to the second story deck of their property. This size is RIDICULOUS.

### **Lighting**

With the proposed design there will be 3 units facing the back of our property. This is where we sit out every night during good weather. We will now have to contend with flood lights and outdoor lighting that will illuminate our backyard. Who are we to address this to once these lights are in place? The 350 Bradford St condo association will have no impetus to rectify the situation. If you have ever been impacted or have had to address flood lights, you realize that this is a very real concern.

The issues with this proposed development are very serious and will impact the East End and Provincetown for decades to come. I implore you to have the developer address these situations with a reduced scale development and better thought out design. A design that does not create public safety and health issues and does not destroy this area of the East End as the proposal by BPJC LLC does.

Thank you for your time and consideration.

Sincerely,



Joe Joyce  
3 Thistlemore Rd, Unit A  
Provincetown, MA 02657

## Gloria McPherson

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**From:** Gloria McPherson  
**Sent:** Thursday, April 09, 2015 9:58 AM  
**To:** Gloria McPherson  
**Subject:** FW: Michael Shays Development Concerns

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**From:** CB Creative [<mailto:christine@cbcreativeinc.com>]  
**Sent:** Thursday, March 26, 2015 8:34 AM  
**To:** Geoffrey Larsen  
**Subject:** Michael Shays Development Concerns

Good morning, Mr. Larson.

I am writing to express concern over the proposed development at the Michael Shay's site. My partner and I own a condo in the Bay Colony complex that we have owned since 2011. While I realize that location is prime real estate, I am extremely concerned about how the proposed development will aesthetically alter the East End community. At 45 feet high, the proposed development does not fit into the look and feel of the community at all. Provincetown does not allow chain restaurants for the very reason that by doing so will alter the aesthetic of the quaint town which we all love. This development, while not food-related, does not even attempt to fit into the aesthetic of the neighboring community.

Secondly, we just completed a lengthy sewer connection process at Bay Colony. I am extremely concerned about how this proposed development will tie into the existing sewer system, and if the current configuration can even handle the units proposed.

Third, the location is in a designated flood zone, yet the proposed development plans for underground parking. This makes absolutely no sense to me.

Fourth, only 6 units will be deemed "affordable" and from what I have read, the developer hopes to bypass almost all of the zoning restrictions for the area.

I completely understand that the owners of the property wish to maximize the prime location with a development. I am not against any development of that space, I am against this proposed development. Please share my concerns with other zoning board members.

Thank you,

Christine Baker  
Owner 690 Commercial St. 2A  
Provincetown, MA 02657

Christine Baker  
President  
CB Creative, Inc.  
Integrated Communications Consulting  
[www.cbcreativeinc.com](http://www.cbcreativeinc.com)

TO: Zoning Board

FROM:

SUBJECT: Proposed Condominium Complex at 350 Bradford Street

I own the property located at 348 Bradford St unit B While I was aware that the abutting property 350 Bradford St, was purchased by a developer who planned to erect condominiums on the site, I fully expected that the condominiums would be similar to the style and dimension of the surrounding residential properties. That is, I assumed they would be consistent with and confirming to the town's zoning regulations. Instead, the proposed project is a twenty-four unit, three story, non-conforming monstrosity entirely too large for the parcel of land upon which it would sit.

Due to the low water table in this area, the planned underground garage most certainly will flood during heavy rainstorms and thereby increase flooding to the neighboring properties. We have experienced heavy flooding in the parking lot spilling over onto my property whenever there's a normal rain-storm. And, the water takes days to recede. This has been brought to the town's attention over the years with no resolution suggested.

Further, it is my understanding that a substantial number of units will be subject to weekly rentals. Undoubtedly, this will result in considerable traffic congestion and increased noise from renters in what is now and always has been, a very quiet residential area.

In short, the project is completely inappropriate and out of character with the surrounding properties. It is entirely too large and threatens to undermine the sand hill upon which other homes are built and will cause flood damage to the abutting properties during and after construction.

As a concerned abutter and long time resident of the East End, I urge the Zoning Board to reject this proposed project and/or approve a substituted plan that provides a significant reduction in height, size, and impact to this residential neighborhood.

Cheryl [Signature] 4-20-2015  
Signature / Date

TO: Zoning Board

FROM: Marcy Packer, Owner – 348 Bradford St. 4A

SUBJECT: Proposed Condominium Complex at 350 Bradford Street

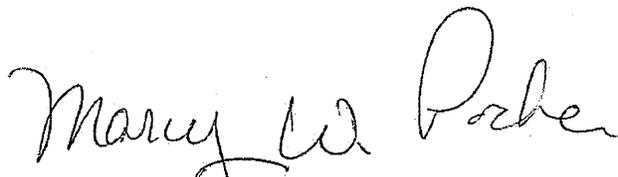
I have owned my property located at 348 Bradford St. since 1989. While I was aware that the abutting property 350 Bradford St, was purchased by a developer who planned to erect condominiums on the site, I fully expected that the condominiums would be similar to the style and dimension of the surrounding residential properties. That is, I assumed they would be consistent with and confirming to the town's zoning regulations. Instead, the proposed project is a twenty-four unit, three story, non-conforming monstrosity entirely too large for the parcel of land upon which it would sit.

Due to the low water table in this area, the planned underground garage most certainly will flood during heavy rainstorms and thereby increase flooding to the neighboring properties. We have experienced heavy flooding in the parking lot spilling over onto my property whenever there's a normal rain-storm. And, the water takes days to recede. This has been brought to the town's attention over the years with no resolution suggested.

Further, it is my understanding that a substantial number of units will be subject to weekly rentals. Undoubtedly, this will result in considerable traffic congestion and increased noise from renters in what is now and always has been, a very quiet residential area.

In short, the project is completely inappropriate and out of character with the surrounding properties. It is entirely too large and threatens to undermine the sand hill upon which other homes are built and will cause flood damage to the abutting properties during and after construction.

As a concerned abutter and long time resident of the East End, I urge the Zoning Board to reject this proposed project and/or approve a substituted plan that provides a significant reduction in height, size, and impact to this residential neighborhood.

 4/21/25

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Signature / Date

## Gloria McPherson

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**From:** David Brody - Home <davidjbrody@verizon.net>  
**Sent:** Wednesday, April 22, 2015 12:46 AM  
**To:** Michelle Jarusiewicz; Loretta Dougherty; Gloria McPherson  
**Cc:** Elisabeth Verde  
**Subject:** Public comment on 350 Bradford St. project  
**Attachments:** Arthur Cohen painting in U.S. embassies.pdf; Iconic view painting in gallery.JPG

To the Planning Board and the Board of Selectmen:

We are submitting these comments to you regarding the 24-unit condo development plan for 350 Bradford Street.

Others will submit comments that focus on the excessive scale of the proposed structure, how it will create a 45' high wall looming over small homes that are only 20' away from it, and how it will stretch out like an aircraft deck in front of the homes high up on Bradford Acres Road, literally at their residents' eye level and higher, and how it is totally out of character for the neighborhood. We oppose the project for all these reasons. However, we don't want to repeat what others will certainly say on these issues, and will limit our comments to a different concern.

The proposed project fronts directly on the Bradford/Commercial St intersection at the historic entrance to the town from Route 6A. It is an iconic scene of Provincetown that welcomes visitors into town and that the town's artist community has spread around the world as a classic image of Provincetown. One painting of the iconic scene by Arthur Cohen is featured on the U.S. State Department's website <http://art.state.gov/artistdetail.aspx?id=141960> and has hung at our country's embassy in Croatia. A copy of the webpage is attached to this email. Also attached is a photograph of another painting of that scene, taken through the front window of a gallery on Commercial Street. During the summer season, one can find as many as three or four paintings of this scene by other artists hanging in galleries the length of Commercial Street.

Throughout the summer one can also see artists standing at the actual site, in front of their easels, creating their own vision of this iconic Provincetown scene.

Provincetown is famous around the world as an historic fishing village, an artist colony, and an open and welcoming community. It's economic well-being is totally dependent on the tourist business, and this iconic town setting is the first view that tourists have as they enter from Route 6A. The proposed project threatens to destroy that view, with the 4-story structure towering 45' over the streetscape (more than 50' if the elevator shaft is considered). In all ways, the project is the antithesis of the iconic view that now greets visitors entering town.

The site should be developed. Ideally it should be used for a new restaurant to serve the east end of town. Multiple unit housing, including affordable housing, is also an appropriate use of the site. However, anything that is built on the site must be compatible in scale, style and design with the image of the town upon which its economy is based.

We ask that our comments be read into the record at your meeting.

David and Lora Brody  
7 Thistlemore Road



Search

ALL ARTISTS (3940)

## ARTHUR COHEN



### BIO

Internationally renowned painter ARTHUR COHEN is a virtuoso, a master of just when the last note of a painting is complete, and Cohen, now 76, has been painting Provincetown for almost fifty years. "When the timbre of a moment resounds in a handful of strokes and a wash of shimmering light," observed art critic Jan Adlmann, "Cohen intuitively knows that 'balance' has been achieved." Finding that b...

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### Artist Bio

Internationally renowned painter ARTHUR COHEN is a virtuoso, a master of just when the last note of a painting is complete, and Cohen, now 76, has been painting Provincetown for almost fifty years. "When the timbre of a moment resounds in a handful of strokes and a wash of shimmering light," observed art critic Jan Adlmann, "Cohen intuitively knows that 'balance' has been achieved. "Finding that balance" the artist has explained, "is like walking a tightrope." Cohen's sweeping panoramas of Provincetown Harbor are developed from storied layering and scraping - thin levels of paint built up over a day, week or even over several years, referred to by Cohen as the "ghost" in his painting. It is this "buried" sense of time and continuity that evokes a sense of timelessness and spatial infinity. Working with a focused palette of blues and grays,



Arthur Cohen, *Provincetown November, 2000*, Oil on panel, Courtesy of the artist and Berta Walker Gallery, Provincetown, Massachusetts



### AIEP EXHIBITIONS

#### OSLO 2009

Arthur Cohen



#### ZAGREB 2006

Arthur Cohen



occasionally some pink and green,  
Cohen repeatedly brings the viewer  
a synthesis of light from different  
moments; his landscape paintings  
possess an inherent monumentality  
that is eternally, classically  
Provincetown.  
[www.bertawalker.com](http://www.bertawalker.com)

(or press ESC or click the  
overlay)

**WEBSITE**

<http://www.arthurcohen.org>

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RECEIVED  
APR 29 2015  
BY: \_\_\_\_\_

April 25, 2015

Dear Planning Board,

We are opposed to the proposed development of the Hot L restaurant site as it is now stated.

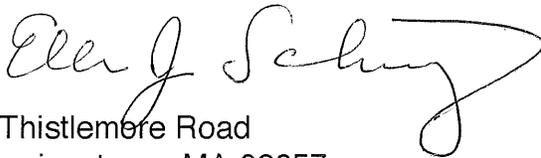
Please forward our view to the state agency considering the 40B petition.

Thank You,

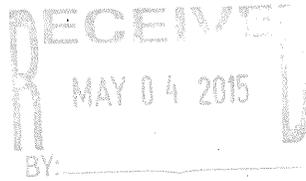
Claire S Hamel



Ellen J Schwartz



3 Thistlemore Road  
Provincetown, MA 02657



Daniel Towler  
3 Allerton Street  
Provincetown, MA 02657

May 2, 2015

TO: Gloria McPherson, Town Planner; members of the Planning Board  
RE: 350 Bradford Street development

I am writing to add my voice to the chorus of East End residents who are appalled by the scale and potential impact of the proposed condo development at the former Michael Shay's property. I have been a resident of Allerton Street and the 600 block of Commercial Street for the last 27 1/2 years.

This development is obviously another in a long line of attempts to squeeze the maximum number of housing units onto a piece of property in order to make some wealthy investors wealthier, with not a shred of concern for the impact on the residents of the neighborhood or the town as a whole. It brings to mind the former Dairy Queen property in the west end, the former Moors Restaurant property. Sadly, there are other examples all over town.

For me, it also brings to mind another massive commercial development that ruined another quiet residential neighborhood scarcely three blocks away. I am referring to the Surfside Motel at Kendall Lane, which was built 51 years ago and inspired a lawsuit, a flood of letters, and prolonged and impassioned discussions about zoning restrictions. My grandmother, Harriet D. Adams, a 40-year Kendall Lane resident, was one of the six immediate neighbors who sued unsuccessfully to stop it. She died suddenly at 71 of an aneurysm right after the motel was completed.

These massive, out-of-scale, and inappropriately sited projects affect real people. They affect the quality of life of succeeding generations in perpetuity. Incrementally, they will completely destroy the character of Provincetown.

Change is inevitable. Changes in land use as a result of changing tastes, changing demographics, changing social and economic imperatives, cannot be stopped, nor should they be. But, I hope this project in question will receive exhaustive review, as it must given its size and multi-faceted impacts. And, I hope that its height, scale, and density can be brought more in line with the existing area, so that it doesn't become yet another egregious eyesore, another elephantine project that we will forever wish could have been stopped.

Thank you for taking residents' concerns into consideration.

May 4, 2015

Members, Planning Board  
Planning Board  
Town of Provincetown  
260 Commercial Street  
Provincetown, MA 02657

Dear Planning Board Members:

**I am a direct abutter on the west boundary of 350 Bradford St. I own the condominium at 3 Thistlemore Rd., Unit A.** I am writing to voice my strong objections to the development at 350 Bradford St that has been proposed by BPJC, LLC, which is currently seeking 40B approval from the Commonwealth. I am asking that you and all other Provincetown officials take all measures available to oppose the development as proposed.

The current proposal will substantially destroy the beneficial use and enjoyment of my property. Every important component of the proposed development of 350 Bradford is unreasonable and unsuitable for abutters, as well as the HotL site, itself. It is patently clear that my 2-story, 2-unit residential condominium will be detrimentally and permanently impacted by the proposed height, scale, magnitude, mass, volume, intensity of development and density of the development. The sunlight and air flow that my property currently receives will be dramatically obstructed and diminished. The wildlife will be entirely displaced. The proposed 4 story building includes a parking level that is below grade at least the length of my rear property line. Excavation and displacement of the dune within about 10 feet of the entire length of my property is being proposed. Adverse consequences to the water drainage and stability of my land are clearly foreseeable. The proposed development is a boomerang shaped building holding 24, 1-3 bedroom units with balconies in front all facing in the direction of my property. The rear portion of the 4 story building would be within about 10 feet of my back property line. Also, air exchange units and other machinery on the building's roof not only cause further obstruction, but will produce unpleasant noises and vibrations that do not exist in this east end neighborhood.

A building of this magnitude and design within the confines of the 350 Bradford St parcel is outlandish whether or not it includes affordable housing units. The proposal is fundamentally flawed and the developer's request for section 40B approval should be denied. Section 40B was not intended to be used for a development of 350 Bradford St. as is proposed.

Many, many people are opposed to this development in its current form. Please note my agreement with the many objections town officials have received. The only people who are not opposed are those who stand to enjoy a financial benefit from the development, no matter how incongruous it is with every aspect of the neighborhood and our town. As officers of the Town of Provincetown, by the very nature of your position you will leave behind a legacy of decisions on many matters. This is an enduring decision; one that will have a lasting impact on everyone as they enter our town from Snail Road.

For the reasons that I have mentioned above, please do not support the developer's 40B request and require that any proposal for the use of the 350 Bradford St. parcel meet Provincetown's requirements for development.

Thank you for your consideration and assistance with this troubling matter.

Sincerely,

*Amy Fein*  
3 Thistlemore Rd., Unit A  
Provincetown, MA 02657

George Tader  
Charles Lisero

5/10/15  
4C Bradford Acres Road  
Provincetown, MA 02657

To: Members of The Provincetown Planning Board.

Dear Sirs / Madam

In regard to the proposed development of 350 Bradford Street, we feel the size and scope of the development is too large for the site.

We have lived in the "quiet" East End of Town for 15 years, and feel this development will change all that:

- 1) population density for that small area will impact heavily on the "quiet" we have enjoyed all these years.
- 2) It will increase traffic <sup>congestion</sup> at that critical intersection at Snail Rd & Rte 6A.
- 3) It will increase pollution, and further tax the Town sewer system if allowed to connect.
- 4) It will change the whole character of our East End neighborhood.

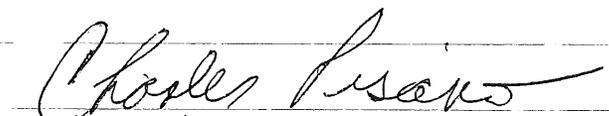
We strongly urge The Provincetown Planning Board and The Board of Selectmen to do all it can to stop this development, and if it cannot stop it to curtail its size & scope to make it a better fit for our neighborhood.

We are not against development, or affordable housing. We just want it to fit in with our neighborhood, and not destroy our quality of life.

Thank you for your consideration.

Yours truly,

  
George Nader

  
Charles Pisano

# MEMO

05/10/15

TO: MASS HOUSING  
FROM: PAUL KELLY  
CC:  
RE: APPLICATION OF BPJC,LLC,350 BRADFORD STREET,  
PROVINCETOWN MA. FOR PROJECT ELIGIBILITY APPROVAL FROM MASS HOUSING

---

Paul Kelly and Edward Dusek, of 22 Brewster Street , Provincetown MA, write to disapprove the application AS SUBMITTED for project eligibility approval submitted to Mass Housing by BPJC,LLC for a 24 dwelling unit development off Bradford Street in Provincetown, MA.

We will limit our comments to those of land planning principles, density, open space, and applicants disregard for preserving and protecting the fabric of existing neighborhoods protected by the strict local Historic District guidelines.

The proposed projects neighborhood consists of mainly one and two story wood frame homes. Local building materials are cedar side wall shingles, painted wood trim, and the common roof form is gable with dormers. There are scattered one and two story motels in the area and many of these were built prior to the existence of zoning laws. Introducing a concrete and glass four story flat roof monolithic structure to this historic neighborhood ignores all characteristics which make Provincetown a unique and treasured community.

Please consider a couple alternative configurations for this site that if re-designed, could better fit within the local housing vernacular, introduce a green space element, and comply with protecting the coastal bank used for flood control and storm damage prevention, as well as lessening the negative impact to be caused by this proposed project on abutting existing homes.

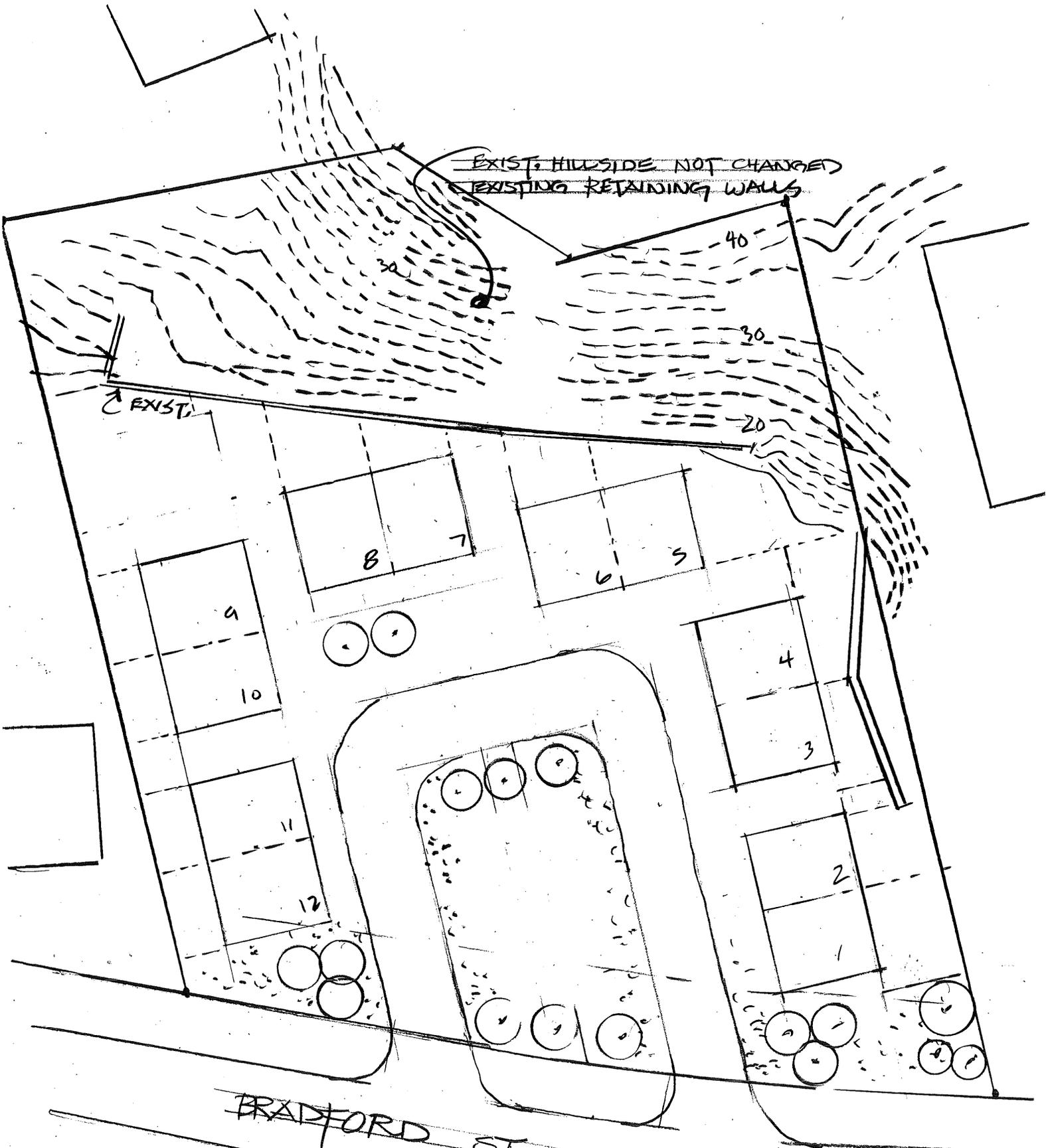
#### Site Plan One

; Leave the hillsides and retaining walls alone on the North and East property boundaries. Build twelve town homes, (two to two and a half stories ) with three affordable. No decking required. Town homes would have garages and storage at grade level.

#### Site Plan Two:

Leave the hillsides and retaining walls alone on the North and East property boundaries. Pull the buildable area south towards Bradford Street. Build a landscape berm along Bradford Street to hide the surface parking (deck above for housing). Build a neighborhood of two and two and a half story town homes on the deck. Use local building scale and forms like gable roofs with dormers, and building materials that reflect the abutting historic neighborhood. Decrease the density to twelve homes with three affordable.

NO DECK



EXIST. HILLSIDE NOT CHANGED  
EXISTING RETAINING WALLS

↑ EXIST.

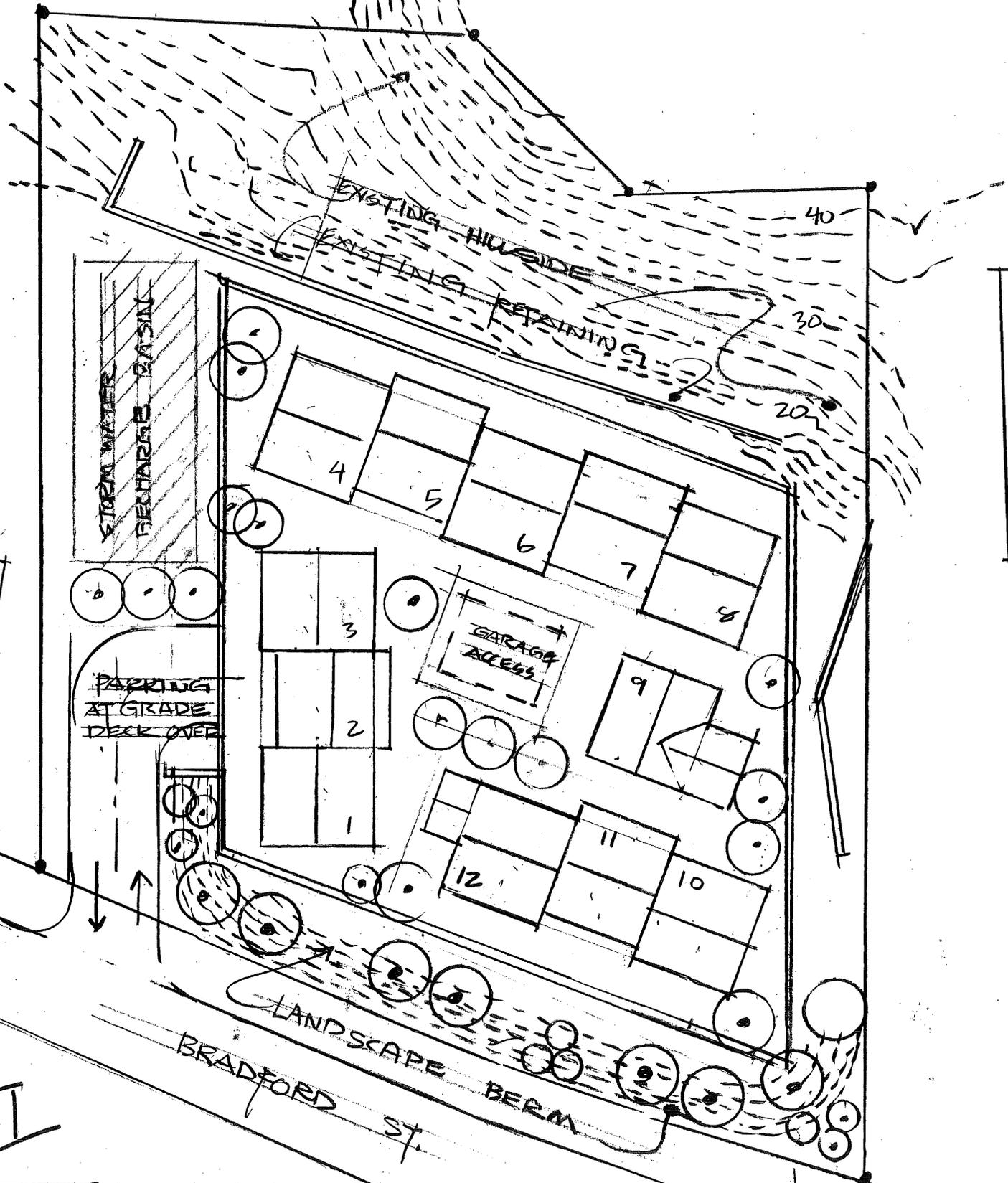
BRADFORD ST.

TWELVE TOWN HOUSE UNITS W/  
THREE AFFORDABLE  
GARAGES & STOP AT GRADE LEVEL - NO DECKING

5.10.15

30<sup>th</sup>

# AT GRADE PARKING DECK OVER



PARKING @ GRADE W/ DECK OVER  
TWELVE TOWN HOUSE 2, 2 1/2 STORIES  
W/ THREE AFFORDABLE

5.10.15

1" = 30' 0" ±